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I. EDUCATION AND TEACHING

Education: Ph.D., Political Science, West Virginia University, December 2004.
J.D., West Virginia University, 1993.
B.A., Political Science, West Virginia University, 1990.

Fields of Study: Public Law
Judicial Politics
American Government

- Universities Employed:
- The Pennsylvania State University (Penn State) (July 2005-July 2008)
3-year appointment
 - The University of Alabama at Birmingham (UAB) (August 2004-May 2005)
1-year appointment
 - Frostburg State University (FSU) (August 2003 – May 2004)
Adjunct while in graduate school
 - West Virginia University (WVU) (August 2001 – May 2004)
Graduate teaching

Prepared to Teach:

Legal Studies/Judicial Politics	American Politics
▪ Constitutional Law I	▪ The Presidency
▪ Constitutional Law II	▪ Parties, Elections and Campaigns
▪ Judicial Process/Legal System	▪ History of Political Philosophy
▪ Supreme Court Decision Making	▪ Contemporary Political Ideology
▪ Crime, Prosecution and Punishment	▪ American Political Thought
▪ The Warren Court	▪ American Government
▪ The Struggle for Rights in America	▪ Research Methods

Law School

▪ Jurisprudence	▪ Criminal Procedure
▪ Judicial Behaviorism	▪ Civil Procedure
▪ American Legal History	▪ Domestic Relations
▪ Empirical Legal Studies	▪ Constitutional Law
▪ Constitutional Developmentalism	▪ Criminal Law

- Courses in Development:
- Contemporary American Politics: From Roosevelt to Bush
Focus is on American Politics in a post-FDR world; developmental approach: course begins with Roosevelt and ends with Bush.
 - The Birth of American Politics: From Colonial America to the Civil War
Course begins with the English Revolution and moves into colonial America, the revolution, state and federal constitutions, the rise of parties, and the presidencies of Washington, Adams, Jefferson, Jackson and Lincoln.
 - The Politics of Language
First part focuses on theories for how language refers (relying upon Wittgenstein, Kripke and cognitive linguistics); second part explores how language affects politics in the area of bureaucratic, legislative and supreme-court decision making.

Listing of Courses Taught:

- Judicial: **American Constitutional Law I** (powers of government).
Course focuses on the theory, history and, design of government power. Has a developmental concern: begins with the English revolution, moves toward American constitutionalism, and then examines the ascendancy of the federal organ and the evolution of separation of powers.
Taught three times: Penn State (PL SC 473: Fall 2005; Spring 2007); UAB (PSC 430-3B: Spring 2005).
Course Page: <http://ludwig.squarespace.com/con-law-i/>.
- American Constitutional Law II** (rights of individuals).
Course focuses on "fundamental liberty" as manifested in the American Constitution. Utilizes a developmental/categorical approach: first develops the construction of "fundamental liberty" from the American founding through FDR and beyond; and then examines discreet areas -- speech, religion, equal protection, etc.
Taught two times: Penn State (PL SC 475: Spring 2006); UAB (PSC 431-4C: Spring 2005)
Course Page: <http://ludwig.squarespace.com/con-law-ii/>.
- The American Judicial Process/Law and the Legal System.**
Unique course that teaches "law and society" from the inside out. Students are taught about trial judging, procedure and basic legal transactions from a participatory perspective. Using hypotheticals and simulations, students learn about evidence, procedure, common legal issues, how trial judging occurs, and the basic rules of torts, contracts, family law and criminal law/procedure.
Taught eight times: Penn State (PL SC 472: Fall 2006); UAB (PSC 330-1E: Spring 2005); WVU (PS 210: August 2001 – May 2004)
Course Page: <http://ludwig.squarespace.com/pagelawlegal/>.
- Supreme Court Decision Making.**
Course focuses on two subjects: how justices should decide (jurisprudence) and how they do decide (behaviorism). The first half of the course is the history of legal justification as told by legal culture and philosophers. The second half is an examination of the empirical evidence about judicial decision making, which culminates in a theoretical model that tries to harmonize philosophy with empiricism.
Taught two times: Penn State (PL SC 497A: Fall 2006); UAB (PSC 295-3B: Fall 2004)
Course Page: <http://ludwig.squarespace.com/supreme-court/>.
- Politics of Crime and Punishment.**
Course focuses exclusively on criminal law and procedure from a participatory perspective. Subjects include: the definition of crime and defense, how lawyers defend the accused, discovery and procedure, trial judging, famous criminal trials, public defenders, prosecutors and sentencing systems.
Taught two times: FSU (PS 324.001: Fall 2003 - May 2004).
- American: **The American Presidency.**
Course is broken into three parts: (1) historical/developmental (the creation of the presidency through FDR); (2) institutional/behavioral (resources, capacity, selection, decision making, etc.); and (3) legal (the constitutional power of the presidency).
Taught three times: Penn State (PL SC 405: Fall 2005, Spring 2006; Spring 2007)
Course Page: <http://ludwig.squarespace.com/prespage/>.
- The Struggle for Civil Rights in America.**
An examination of the struggle of various groups to attain the promise of the American experiment. The course examines the struggles of Americans of African descent, women, homosexuals, native North Americans, religious non-conformists, immigrants, illegal aliens, labor and even the fetus. As these stories are told, students consider the following questions: (1) what causes political movements; (2) what causes success or failure; (3) what role do courts play in the struggle; and (4) what relation does law have to society?
Taught two times: Penn State (PL SC 110; Spring 2007); UAB (PSC 226-2C; Fall 2004).
Course Page: <http://ludwig.squarespace.com/rightspage/>.
- Parties, Elections and Campaigns**
Course is an analysis of the forces that aggregate American politics -- parties, elections, voting, campaigns and ideology. The benefits and shortcomings of democratic theory are explored in detail. The course has a strong developmental emphasis, showing students how and why American democracy was created and evolved. By the end of the term, students look at current events and ask what kind of reforms, if any, are needed in the political process.
Taught one time: Penn State (PL SC 130; Fall 2006)
Course Page: <http://ludwig.squarespace.com/other-courses/>.
- American Government.**
Taught four times: Penn State (PL SC 001; Fall 2005); UAB (PSC 101; Fall 2004 - Spring 2005); honors section taught at Penn State (PL SC 001H; Spring 2006)
Course Page: <http://ludwig.squarespace.com/other-courses/>.
- Methods: **Introduction to Research Methods.**
Taught one time: UAB: (PSC 301-3A; Fall 2004).

II. RESEARCH AGENDA

Intellectual Interests: Judicial Behavior, Law, Jurisprudence, American History, Philosophy of Language and Cognitive Linguistics.

Research Agenda: Current empirical research interest is isolating and modeling the "Dworkin effect" upon Supreme Court decision making. Current focus includes modeling political ideology without ecological inference and modeling the effect that legal language has upon judicial choice. Current non-empirical agenda includes works in philosophy of law and language philosophy.

Dissertation: The Influence of Legal Language Upon Supreme Court Voting in Civil Liberties Cases (<https://eidr.wvu.edu/etd/documentdata.eTD?documentid=3674>).

Conference Paper:
2007, MPSA, Chicago.

***Law as a Cognitive Language Construct;
How Constitutional Words Structure Judicial Choices***

- This is a summary of a set of chapters in my book, *Law, Language and Ideology on the Supreme Court*.

Abstract: This paper offers a new theory of meaning in language philosophy and applies the theory to Supreme Court decision making in the area of selected civil liberties cases. Unlike prior works, this paper theorizes "law" to be something broader than "framer intent" or "stare decisis." "Law" is the effect that language has on the brain ("cognitive linguistics"). Language is theorized to have fluctuating clarity – i.e., to be relatively clear in some instances and unclear in others (depending upon its wording). This phenomenon is called "rigidity." Building upon the work of Steven Pinker, Ludwig Wittgenstein and Saul Kripke, this paper provides criteria for placing legal-rights claims in an ordinal level of rank, based upon how clearly the Constitution can be said to designate the claims. Using a series of logistic regressions, the paper finds that measures of political ideology are a relatively poor predictor of justices' votes when law is most rigid, but is a robust predictor of votes when law is most vague or indeterminate. Additionally, the paper finds that only moderate and conservative justices are influenced by language rigidity. This suggests that the decision to use a language construct as a decision constituency is a choice influenced by political values, but that, paradoxically, the use of this constituency renders the expression of values sub-optimal. That is, values may decide the orthodoxy, but the orthodoxy then makes the policy choice less optimal than otherwise. This view is consistent with how proponents of institutionalism or of "structuralism" view the Court; it is not consistent with either attitudinalism or rational-choice theory, where the latter means only pursuing self-interest in the long run. In short, both law and values structure judicial choice.

Paper: <http://ludwig.squarespace.com/storage/newrigidity.doc>

Tables: <http://ludwig.squarespace.com/storage/rigidity.tables.doc>

PowerPoint (w/audio): <http://ludwig.squarespace.com/storage/language.rig.ppt>

Slideshow for Microsoft-Explorer: <http://ludwig.squarespace.com/storage/Rigidity.show.web.mht>

SSRN Working Paper:
August 2006

***The Attitudinal Model, Political Science
Ecological Fallacy and Exaggeration***

- rework of a 2005 conference paper.
- will circulate as an article soon.
- This is part of a chapter in my book, *Law, Language and Ideology on the Supreme Court*.

Abstract: Attitudinal scholars of the United States Supreme Court have long contended that Court decisions are based primarily upon the ideological beliefs of the justices, and that ideology alone accounts for the bulk of choices made in civil liberties cases. However, this conclusion appears to rest upon the misinterpretation of an ecological regression model. Ecological models do not analyze the votes of justices; they only analyze an index of grouped aggregates. When interpreting model results, however, scholars appear to have equated variation in a voting index with the frequency distribution of binary observations that comprised it. As a result, conclusions about the effect of ideology upon votes were often exaggerated. This work exposes and corrects this problem by re-estimating the relationship between justice ideology and votes using a multilevel approach with a logistic regression that directly examines the dependent variable prior to its manipulation into grouped data. The findings demonstrate that ideology models lose about two-thirds of the level of explanation researchers previously proclaimed. This new understanding supports a more limited critique of the role that ideology plays on the Court – one that has a long history in political science that predates the more value-dominant "attitudinal" framework.

Available: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=922183

Conference Paper:
2006, SPSA, Atlanta.

Political Ideology as a Fluctuating Rather Than Defining Force Upon the Court: An Analysis of Discreet Areas of Civil Liberties Voting

- This is part of a set of chapters in my book, *Law, Language and Ideology on the Supreme Court*.

Synopsis: Recent scholarship demonstrates that measures of ideology play a more limited role in Court decisions than previously thought (see above). This paper adds an important contribution to this finding: measures of ideology are not stable. Rather, they fluctuate significantly across distinct issues of law. This suggests that measures of political values only dominate Court behavior in *some* areas of decision making. Scholars should therefore conceive of political ideology as a *fluctuating* rather than defining force upon the Court – it is sometimes high, sometimes low. Future works should identify other areas of significant fluctuation and should attempt to explain what causes this phenomenon.

Available: <http://ludwig.squarespace.com/storage/fluctuation.southern2.doc>

Conference Paper:
2006, MPSA, Chicago.

The Effect of Ideology on Supreme Court Judging Over Time: An Influence on the Decline?

- Future of this work uncertain at present

Synopsis: Recent scholarship demonstrates that measures of ideology play a more limited role in Court decisions than previously thought (see above). This paper adds two important contributions to this new understanding: (1) measures of ideology are not stable across time and are trending downward; and (2) Segal/Cover scores are a relatively poor explanation of voting behavior. Scholars are encouraged to reconsider the way that they conceptualize the role of ideology on the judicial mind and also whether Segal/Cover scores are an appropriate independent variable

Available: <http://ludwig.squarespace.com/storage/timeseries.chicago2.doc>

Conference Paper:
2005, SWPSA, New Orleans.

The Failure of Instrumentalism: An Analysis of Votes by Conservative Justices in the Area of Core Political Speech.

- This is part of a chapter in my book, *Law, Language and Ideology on the Supreme Court*.

Synopsis: This paper examines the voting behavior of justices in the area of “core political speech.” It demonstrates that political attitudes as they are measured by empirical researchers do not dominate judicial voting. The paper argues that the reason is because the a priori foundation of the attitudinal model is suspect. That is, there are occasions when justices regard legal text as sufficiently clear and when “principle” is more important than policy preference. When this happens, justices shun strictly ideological voting. Future works should identify other meaningful areas of law that are poorly explained by ideology models.

Available: <http://ludwig.squarespace.com/storage/speech.southern1.doc>

III. SERVICE

Professional:

Article and Book Reviews

- Reviewed manuscript, January of 2007, for Political Research Quarterly.
- Reviewed manuscript, August 2007, for Political Research Quarterly.

Conference Discussant and/or Chair

- Discussant, 2007, Midwest Political Science Conference, Chicago.

Department:

Paper Presentations

- Presented “*A Fresh Approach to the Politics of Law: How Constitutional Words Form a Cognitive Structure that Influences the Judicial Mind; an Examination of Key Areas of Civil Liberties Voting*” to the department on February 9, 2007.
- Presented “*Dynamic Learning: A Better Way to Use PowerPoint in the Classroom*” to the department on April 3, 2007.

Miscellaneous

- Attended and provided feedback for three job talks for the multiple-year fixed-term hire at the request of Michael Berkman in March of 2007.
- Assisted PSU student Rachel Mara Fingles in her senior thesis about Supreme Court Decision Making from January-August of 2007.

IV. LEGAL EXPERIENCE AND HONORS

- Honors:
- Graduated, Ph.D., (GPA 3.87) (December, 2004)
 - Graduated, B.A., Summa Cum Laude (GPA 3.8) (1990).
 - Member, Golden Key National Honor Society (1990).
 - Awarded a summer fellowship with the National Association for the Advancement of Colored People (NAACP) in 1992. (Worked on discrimination litigation under the supervision of Franklin D. Cleckley, a nationally-recognized professor of law at West Virginia University, author of several legal treatises and former member of the West Virginia Supreme Court of Appeals).
- Legal Experience:
- Sole Practitioner (October 1994 - June 30, 2004): Operated a legal practice primarily concentrated in the areas of criminal defense and domestic relations. Also handled personal injury cases, medical malpractice, employment discrimination, real estate matters, social security disability and miscellaneous civil cases. Practice was limited exclusively to criminal defense from July 2000 - July 2004.
- Adjudication:
- Was victorious in several multi-count felony jury trials involving unanimous twelve-person juries in both the state and federal courts. Also won cases at the West Virginia State Supreme Court of Appeals.
- Victorious before the West Virginia Supreme Court of Appeals, West Virginia's highest appellate court, in an election-contest case styled *In re: Moore*. Available: <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=ww&vol=spring97%5C23848&invol=1>
 - *United States v. Mitchem*; client acquitted of the felony charges of conspiracy and of aiding-and-abetting the acquisition of a firearm under false pretenses. The trial was before a 12-person jury in federal court and lasted 4 days. Jury deliberation: 1 day (acquitted the next morning).
 - *West Virginia v. Doolin*; client acquitted of the felony charges of sexual abuse by a custodian and incest. The trial was before a 12-person jury and lasted 1 day. Jury deliberation: 5 hours (acquitted around 10:45 p.m.).
 - *West Virginia v. Smith*; client acquitted of the felony charge of conspiring to deliver marijuana. The trial was before a 12-person jury and lasted 1 day. Jury deliberation: 4 hours (acquitted around 7:00 p.m.).
 - *West Virginia v. Johnson*; client acquitted of felony burglary and grand larceny. The trial was before a 12-person jury and lasted 1 day. Jury deliberation: 2.5 hours (client acquitted at approximately 7:00 p.m.).
 - *West Virginia v. Robinson*; client acquitted of the felony charge of conspiring to deliver marijuana. The trial was before a 12-person jury and lasted 1 day. Jury deliberation: 1 hour (acquitted around 6:00 p.m.).
 - *West Virginia v. McCullough*; client acquitted of misdemeanor battery before a 6-person jury. Jury deliberation: 30 minutes (acquitted around 4:30 p.m.).
 - *West Virginia v. Mcie*; client acquitted of misdemeanor battery before a 6-person jury. Jury deliberation: 0 (State's case did not survive motion for judgment of acquittal).

IV. REFERENCES

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